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JUL 20 2005

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In re Application of:  
Chain et al.  
Serial No.: 09/402,820  
Filed: October 12, 1999  
Attorney Docket No.: CHAIN=1B

DECISION ON PETITION TO  
WITHDRAW THE HOLDING  
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on February 3, 2005 requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status. The delay in responding to this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Non-Compliant Amendment to applicants on April 28, 2004, setting a one-month statutory time period for reply. On January 11, 2005, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants' state that the Notice of April 28, 2004 was never received and provides as evidence thereof a copy of the attorney docket reports where the Notice would have been entered if received, showing non-receipt of the Notice. Based on the evidence presented, it is concluded that applicants never received the Notice of Non-Compliant Amendment. In view thereof, the Notice of Abandonment mailed January 11, 2005, is vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of the Notice of Non-Compliant Amendment.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

George Elliott  
Director, Technology Center 1600